

Origin: E&E Website
Date: 12/20/2004
First Name: C.T.
Last Name: Kalin
Address: 1330 Francisco St.
City: San Francisco
State: CA
Topic: Environmental Justice

Comments: We have oil platforms all over the earth sitting unused just off our shores. What a refreshing idea to have a natural gas project that can simply go away when it needs to go. This innovation needs to be supported. If we fight against projects like this we take two steps back in promoting innovative ideas to help our energy crisis. Being located so far off shore while being environmentally safe makes this a must have. Please support Cabrillo Port.

G320-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/18/2004
First Name: Karen
Last Name: Kane
Address: 733 Bennett Ave
City: Ventura
State: CA
Zip Code: 93003
Topic: Marine Traffic
Comments: Those that have concerns about Marine traffic should read chapter 4.3 in the EIS/EIR. The port is 2.5 NM from shipping lanes and S. Bound Traffic lane and 5 NM from N. Bound Traffic lane, and 4 NM from the Pacific Missile Range.
BHP Billiton has found the most effective route. I can't imagine that Marine traffic concerns are holding up such an important project. I'm for the Cabrillo Port Project and would like to see it get underway.
Thank you for the opportunity to voice my opinion.

G174-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Jennifer
Last Name: Karau
Address: 1751 E. Roseville Parkway, #1622
City: Roseville
State: CA
Zip Code: 95661
Topic: Aesthetics, Air Quality
Comments: Natural gas is clean burning and more air-friendly electric generation, part of the reason California needs more natural gas. It is great to see that BHP will be using natural gas, instead of diesel, to power its boats. I'm glad to see the company takes such logical measures. It is import to support such efforts.

Because of our need for a clean burning energy source and the minimal environmental and aesthetic impacts, I am in favor of the Cabrillo Port project. Thank you for allowing me to comment.

G192-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Chris
Last Name: Karczmarski
Address: 3821 Effie st.
City: Los Angeles
State: CA
Zip Code: 90026
Topic: Other/General Comment
Comments: If we are going to have a clean air future for our children we are going to have to start now. I want my kids to grow up in an environment that they are not afraid to go outside because the air quality is too poor or that they cannot go anywhere because the cost of gasoline is too expensive. Something needs to be done about our energy crisis. Exposing us to different sources of alternative fuel is critical. We cannot shut down cabrillo port this method of bringing LNG to our shores is safe and necessary.

G214-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Karen
Last Name: Karczmarski
Address: 3821 Effie st.
City: Los Angeles
State: CA
Zip Code: 90026
Topic: Other/General Comment

Comments: Just recently our energy supply was jeopardized due to a nuclear generator failure. Natural gas was used to keep the power running in order to avoid rolling blackout's. I don't know about everyone else but I'm tired of rolling blackouts and high priced energy. I cringe just thinking about how much money the power company had to spend to purchase this backup supply of natural gas from Mexico or wherever they got it from. And to think that my power bill will have to increase so they can recoup the losses. I know that we in California need this source of natural gas. I am undoubtedly behind this project and I support this Cabrillo Port project.

G177-1

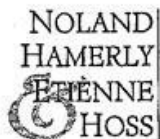
Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/15/2004
First Name: Rosemary
Last Name: Keane
Address: 11965 Claret Ct.
City: San Diego
State: CA
Zip Code: 92131
Phone No.: 858-689-8839
Email: rosemary@keanefamily.net
Address:
Topic: Energy and Minerals

Comments: I support any and all project including this one, that will make California more energy sufficient. I hope you will approve this project. Asthetically, I feel the project not be harmful for recreational purposes.

G025-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.



NOLAND
HAMERLY
ETIENNE
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Source:
Letter to CSLC Commission

Date: 12/17/04

WWW.NHEH.COM
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December 17, 2004

BY E-MAIL and OVERNIGHT MAIL

Cy Oggins
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
ogginsc@slc.ca.gov

Lt. Ken Kusano
U.S. Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
kkusano@comdt.uscg.mil

Re: Draft Environmental Impact Statement/Environmental Impact Report
for the Cabrillo Point Liquefied Natural Gas Deep Water Port

Dear Mr. Oggins and Lt. Kusano:

I am writing on behalf of Araich Limited, A.G. ("Araich") to provide comments
on the above-referenced draft EIS/EIR.

Araich owns 239 acres (Richman Ranch) and 40 acres (Yamamoto Ranch) of
agricultural land north of Pleasant Valley Road and east Rice Road in Oxnard, as shown
on the attached map¹. The proposed Center Road pipeline associated with the Point
Cabrillo Liquefied Natural Gas Deep Water Port ("LNG Project") runs through the
Araich property.

Araich believes the draft EIS/EIR for the LNG Project is incomplete and
therefore, legally inadequate under the California Environmental Quality Act (CEQA),
for the reasons as set forth below.

G430-1

G430-1

Your statement is included in the public record and will be taken
into account by decision-makers when they consider the proposed
Project. A Revised Draft EIR was recirculated under the CEQA for
an additional public review period of 60 days.

2004/G430

¹ Assessor Parcel Numbers 218-0-030-160; 170; 180; 275; 285; 295; 305; 115; 205

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1. Piecemeal Analysis/Deferred Mitigation.

The draft EIS/EIR improperly cuts the project into pieces and improperly defers investigation and mitigation of several important issues.

CEQA requires that an EIR analyze "the whole of an action, which has a potential to for resulting in a physical change in the environment directly or ultimately." (CEQA Guidelines sec. 15378(a); *Bozung v. LAFCO* 13 Cal.3d 263, 283-284; *Kings County Farm Bureau v. City of Hanford* 221 Cal.App.3d 692).

Moreover, CEQA requires analysis of an entire project at the earliest feasible time in the planning process and prohibits the deferred analysis of potential impacts and proposed mitigations to a later time. (*Sundstrom v. County of Mendocino* 202 Cal.App.3d 296; *Bozung*, supra).

The draft EIS/EIR fails to analyze the full effect and mitigate the potential impacts to biological resources resulting from the LNG project. The EIS/EIR states, "*A comprehensive botanical survey has not been conducted; therefore, it is not known whether the rare or special status plants along the proposed pipeline route are present*" (EIS/EIR p. 4.8-36)

The EIS/EIR indicates that the applicant is to conduct pre-construction surveys to identify the presence or absence of special status plant populations occurring within the project area. Because biological surveys have not been completed on the proposed pipeline route, the public cannot determine what the potential significant impacts of laying the gas pipeline will be.

The EIS/EIR also improperly defers any in-depth study of potential impacts on archaeological resources to further studies, stating "*Pedestrian surveys would be conducted by a qualified archaeologist prior to all ground disturbing construction activities along parts of the alignments that have not been previously surveyed in order to complete the inventory of archaeological sites.*"; (EIS/EIR p 4.9-22) and "*If avoidance of identified resources through pipeline realignment is not feasible, additional archaeological investigations to evaluate the nature, extent and integrity of the resources would be implemented and would include a program of data recovery to reduce impacts.*" (EIS/EIR p. 4.9-23)

The failure to study all potential impacts associated with the LNG project and determine appropriate mitigation measures, leaves the EIS/EIR incomplete and legally inadequate under CEQA.

G430-2

G430-2

The analyses in this document are based on "the whole of an action, which has a potential to result in significant environmental change in the environment, directly or ultimately," as described in Chapter 2, Description of the Proposed Action. NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way" (State CEQA Guidelines section 15126.4(b)).

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys specific to the final construction timeline and designated pipeline alignment would be completed for special status species, federally listed species, and California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

G430-3

G430-3

Section 4.9.1 contains information on cultural resources surveys, including the results of an onshore pedestrian cultural resources survey and an assessment of national and state registry eligibility.

G430-4

G430-4

See response to Comment G430-2. The Final EIS/EIR enumerates, at the end of the analysis for each resource issue, both mitigation enfolded in the proposed Project by the Applicant and additional mitigation recommended by the lead agencies (MARAD, USCG, and the California State Lands Commission) and/or responsible agencies. See Section 4.0 of the Executive Summary for the extensive Mitigation Monitoring Program.

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2. Incomplete Safety Analysis.

The EIS/EIR fails to adequately assess the potential significant safety impacts associated with the proposed gas pipeline.

The EIS/EIR points out that, *"The greatest hazard to the safety of the public and protection of property from natural gas transportation is generally a fire or explosion following a major rupture in a pipeline..."* (EIR/EIS p. 4.2-9)

The EIS/EIR then goes on to chart pipeline accidents in the United States and concludes that accidents involving deaths or injuries are "rare."² (EIS/EIR p. 4.2-36) The chart describing the pipeline accidents does not indicate the location where the accidents occurred. This information is necessary to assess the true potential safety impact related to laying the gas pipeline near populated areas.

For example, in the year 2000 the EIS/EIR lists 15 fatalities related to gas transmission pipelines. (EIS/EIR p. 4.2-36) This figure presumably includes the explosion on August 19, 2000, which killed 12 people in a remote area of southeast New Mexico. Had that accident occurred in a more populated area, such as proposed for this pipeline, the fatalities could have been far worse. Without knowing where the charted accidents occurred, the public cannot adequately assess the safety impact from the proposed gas pipeline.

In this case, the Center Road pipeline traverses portions of the City of Oxnard, is near two schools (passing directly in front of Mesa Union Junior High School) and runs through areas designated as rural single family residential, as well as through industrial parks and commercial office areas. (EIS/EIR p. 4.13-3)

The EIS/EIR points out that the unmitigated annual frequencies of significant events per pipeline mile are conservatively estimated at about 4 in 100,000 per year that a pipeline incident would result in a public injury, and 1 in 100,000 that a pipeline incident would result in a public fatality; and that these impacts "would still be potentially significant (i.e., could cause serious injury or fatality to members of the public) should an incident occur, e.g., as a result of an unintentional attack, and therefore this impact remains significant after mitigation." (EIS/EIR p. 4.2-90)

² The EIS/EIR summarizes accidental deaths indicating that 3.3 fatalities a year occur related to gas transmission pipelines, and 16.8 average fatalities occur per year related to gas distribution pipelines. Additionally, based on the charts and summary of annual incidents, the EIS/EIR indicates that, "There is a moderate chance that the project pipelines would experience a reportable incident in any year."

G430-5

G430-6

G430-7

G430-8

G430-5

Section 4.2 has been updated. Table 4.2-11 contains incidents reported by SoCalGas, the entity that would operate the proposed pipelines. Table 4.2-10 contains information on gas transmission pipeline incidents, by cause, for the years 1970 to the most recent year for which data are available, as reported to the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety. Figure 4.2-2 shows pipeline incident, injury and fatality trends from 1986 to 2005.

Section 4.2.8 contains information on potential public safety impacts from natural gas pipelines and mitigation measures to address such impacts. Appendix C3-C contains information on design and safety standards applicable to natural gas pipelines.

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a USDOT Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

G430-6

See response to Comment G430-5. The El Paso Natural Gas pipeline accident in 2000 near Carlsbad, New Mexico, was one of several that prompted the DOT PHMSA Office of Pipeline Safety to promulgate additional safety requirements for pipelines routed near more densely populated areas (see 49 CFR 192, Subpart O). These requirements are applicable to many locations along the proposed and alternative pipeline routes for the proposed Project.

G430-7

The Project has been modified since issuance of the October 2004 Draft EIS/EIR. Section 4.13.1 discusses sensitive land uses such as schools. There are no schools in the immediate vicinity of either of the proposed pipeline routes. Section 4.2.8 describes regulations regarding pipelines, including the requirement to establish public

education programs to prevent and respond to pipeline emergencies. Section 4.16.1.2 describes emergency planning and response capabilities in the Project area.

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Accordingly, the risk to the public from a fire or explosion associated with a potential release of natural gas due to operational incident or natural phenomenon remains a significant unmitigated impact. (See Impacts PS-6, PS-7, PS-8)

Although the chances of a pipeline rupture may be low, the resultant damage and impact should an incident occur is extremely high. Accordingly, the pipeline should be placed in a more remote area where damage from a pipeline rupture, even if low, would not result in the loss of life and injury to nearby residents.

3. Incomplete Economic/Agricultural Impact Analysis.

The Araich property is in active agricultural production and improved with a sophisticated tile drainage system. Trenching and laying a 36-inch gas pipeline through the property will cause a significant impact to the Araich property.

The EIS/EIR indicates that because the project would convert less than 1 acre of prime farmland to non-agricultural use, the impact would be less than significant. Conversion of an acre of prime farmland is a significant impact and there is no proposed mitigation, making it an unmitigated impact. (EIS/EIR p. 4.5-17)

Additionally the EIS/EIR fails to discuss damages for permanent acquisition of a right of way through the Araich property, speaking only in terms of "temporary damages" for a "temporary" taking. To put a pipeline through the Araich property will require a permanent easement, not simply a "temporary" taking. The EIS/EIR is silent as to the acquisition of permanent right of way through the property. (EIS/EIR p. 4.5-18) A large gas pipeline may significantly affect the value of the property as a whole, giving rise to a severance damage claim.

Moreover, the EIS/EIR indicates that any controversy with regard to valuation and taking of property would be handled through an arbitrator. Araich has not agreed to an arbitrator. There is no way to force a landowner such as Araich to arbitration to resolve these types of issues. Additionally, purporting to provide economic damages does not mitigate for loss of agricultural land. Accordingly, the mitigation proposed for the loss of agricultural land and the mechanism for resolving issues related to compensation is inadequate.

G430-8

G430-9

G430-10

G430-11

G430-8

Section 4.13.1 contains information on sensitive land uses in proximity to proposed and alternative pipeline routes, such as schools. There are no schools in the immediate vicinity of either of the proposed pipeline routes. Section 4.2.8 describes regulations regarding pipelines, including the requirement to establish public education programs to prevent and respond to pipeline emergencies. Section 4.2.8.4 contains information on the estimated risk of Project pipeline incidents. Section 4.16.1.2 describes emergency planning and response capabilities in the Project area.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a U.S. Department of Transportation (USDOT) Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

G430-9

Impact AGR-1 in Section 4.5.4 contains revised information on temporary loss of agricultural land, protection and/or replacement of irrigation systems, and stipulations for the permanent right-of-way.

G430-10

Section 2.4 contains information on the acquisition of easements.

G430-11

AM AGR-1a and MM AGR-3b in Section 4.5.4 address this topic.

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Please add my name to the list of persons to receive notices regarding the proposed LNG Project.

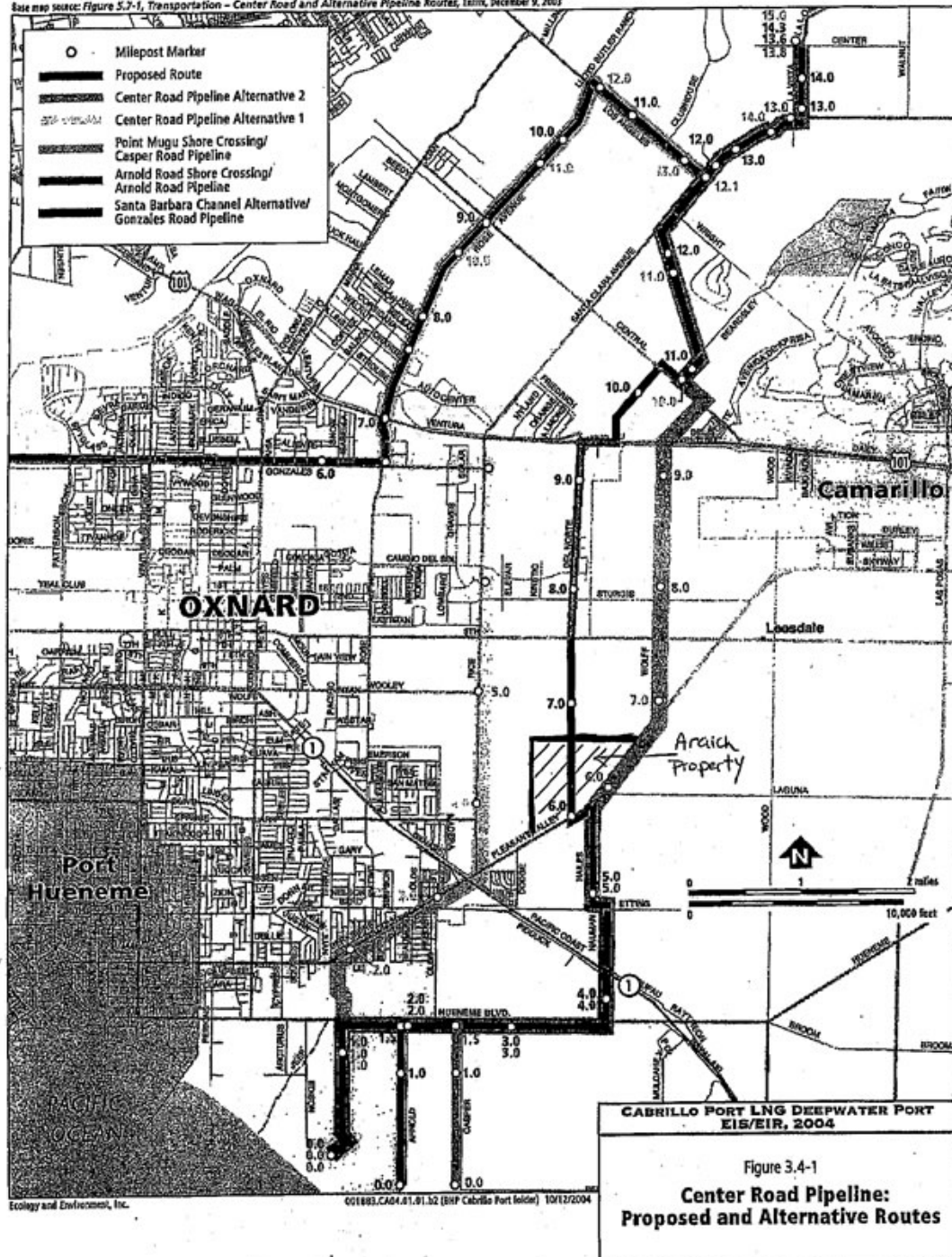
Sincerely,
NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation



Christine Gianascol Kemp

CGK:ng

cc: James D. Schwefel, Jr. Esq.
Client



Origin: E&E Website
Date: 12/20/2004
First Name: Daniel
Last Name: Kendrigen
Address: 3020 S. Garfield St.
City: Denver
State: CO
Zip Code: 80210
Topic: Alternatives
Comments: I think it is wonderful that California is considering an environmentally safe and temporary structure that will provide a way to retrieve natural gas from a key ally like Australia. Colorado and California have always had a good relationship and as I understand it we send a lot of our natural gas retrieved from our land to you. Cabrillo Port would ease the burden on our state while providing key tax dollars and energy for your state. Thank you for considering this.

G299-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Brian
Last Name: Kerswell
Address: 7427 Parkvale Way
City: Citrus Heights
State: CA
Zip Code: 95621
Topic: Other/General Comment

Comments: My wife previously commented on this project. It has been an interesting topic of conversation the past couple of weeks. We have done our research and are both in support of the Cabrillo Port. Personally I believe we should start with energy conservation measures, but that's something that will take years to be in place. As well, I support renewable energies and think offshore drilling is a bad idea. However, we have to come-up with some sort of energy solution in the meantime. Natural gas is clearly the best option and clearly this project is quality. I can see from the EIS that all agency measures are in place and that BHP has been more than willing to comply with mitigation measures, endangered species, noise reduction, location, local transportation issues, even the color they will paint the structure. In my mind you can't find a better option to our energy problems at the current time.

G256-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Kathy
Last Name: Kerswell
Address: 7427 Parkvale Way
City: Citrus Heights
State: CA
Zip Code: 95621
Topic: Aesthetics, Land Use, Other/General Comment

Comments: My husband brought this project to my attention a couple of weeks ago. Since then we've gone through much of the EIS and done some research on our own. While I'd like to comment on every topic listed, I'll keep it to the ones important to me. It seems clear to me that we are in need of natural gas in our state in order to have affordable electricity. The Draft EIR references in section 1.2 that the California Energy Commission recommended that due to increasing demand and dwindling supply, construction of LNG terminals with the state would help satisfy California's need for natural gas. Are we willing to give-up more of our beautiful open space for natural gas drilling? There's an obvious need for natural gas, and it needs to be produced within the state. It seems there's no better place than offshore where it's unobtrusive and has the least negative effect on the environment. I was also encourage to read that BHPB would be have consider and protect endangered species and that midigation was in place. There has been great work done in all regards to this project. It's refreshing to see our government at work protecting our needs and environment, and then to see a company so willing, not only to comply with regulations, but to use the most up-to-date technologies to do so. I'm appreciative of the opportunity to participate in commenting on this project.

G254-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/20/2004
First Name: Danny
Last Name: King
Address: 415 Military East
City: Benicia
State: CA
Zip Code: 94510
Topic: Other/General Comment

Comments: I live in a beautiful bay town outside of San Francisco. I live here because of its beauty and peacefulness. I understand when people of our state have concerns when this is taken from them. However, in all the years I've watched consumption accross the board increase. So, now we need more energy to meet our demands. People are in an uproar still about our past energy crisis. Then the Cabrillo Port Project gets presented and their in an uproar about that as well. I'll never understand. Here we have a opportunity for a natural gas solution to our energy shortage that no one will even know exists and they want to fight that as well. I see absolutely no reaon why this project should not move forward. It is what we need and with the least environmental impacts that will not intrude on anyone's quality of life. It's a great situation in my mind. I can't think of anything better.

G248-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/20/2004
First Name: Ester
Last Name: Klein
Title: Ms.
Address: 2245-6 Woodside Lane
City: Sacramento
State: CA
Zip Code: 95825
Topic: Other/General Comment

Comments: I'll admit, I've been against many projects such as this before. However, after looking over the EIS/EIR, I can't find a reason not to vote in favor of this project. I've lived in California for years now and I struggle at times financially. We don't can't afford higher energy costs. I've always seen natural gas as the solution and now we have project that make it happen. Sure I worry about the environment, but this project will have little to no effect on the environment and when it does, there is strict mitigation measures. I ask you to please look at how great this project is and what it would mean to the citizens of our state. We need this, and to have it brought to us in such a responsible way, I would hate to see the project not come to fruition.

G269-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Sholly, Brian

From: B. Burnett [burnett885@adelphia.net]
Sent: Saturday, December 18, 2004 5:00 PM
To: ogginsc@slc.ca.gov
Subject: Cabrillo Port Project

Source:
Letter to CSLC Commission

Date: 12/18/04

I agree with Bill Vaughn, who wrote in the Star News: I also find something ironic that the same people who are protesting this project are the same ones who seat their children on top of 16 gallons of highly explosive gasoline in their mini-vans, then worry about a project 14 miles off our coast. Their NIMBY philosophy is showing...

Sharon Kloeris
282 Whitecap Place
Port Hueneme, Ca. 93041

G436-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/17/2004
First Name: Jimmy
Last Name: Knauf
Address: 1216 Bond St.
City: San Luis Obispo
State: CA
Zip Code: 93405
Topic: Alternatives

Comments: I have heard some people argue that renewables will be able to help provide for our energy needs and we don't need a LNG project in California. While I wish that was the case, it simply is not. We'd have to cover half the state in solar cells to provide the kind of energy we are lacking.

We need realistic solutions to our energy shortages right now. The Cabrillo port project will help us in that regard by providing low cost LNG.

G102-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/20/2004
First Name: Charlene
Last Name: Koenig
Address: 3689 Demac
City: Redding
State: CA
Zip Code: 96002
Topic: Alternatives

Comments: I believe in alternative energy sources, however, we need more time to before we can become truly reliant on them. They need to be tested, researched and made more affordable. I am an environmentalist and dislike what we've created in our society, but it will take time to change. In the meantime, natural gas is our best option. We must support responsible companies that are willing to get us this valuable resource. That's what I see in BHP Billiton. I would be happy to see the Cabrillo Port Project approved.

G347-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/20/2004
First Name: John
Last Name: Koenig
Title: Mr.
Address: 4980 Allison Parkway
City: Vacaville
State: CA
Zip Code: 95688
Topic: Aesthetics, Air Quality, Biological Resources - Marine, Biological Resources - Terrestrial, Environmental Justice, Land Use, Marine Traffic, Noise, Public Safety: Hazards and Risk Analysis, Recreation, Socioeconomics, Transportation, Other/General Comment
Comments: When this project was brought to my attention, I was skeptical. I thought it was just more offshore drilling dressed and made to appear like an environmentally friendly project. However, now I see the many positive aspects of this project. I looked through the list of comment topics and I wish I had the time to comment on them all, they all hold positive aspects. From an environmental standpoint there will be little damage to marine life and air-quality. Aesthetically, you won't know it's there, and it's so far offshore even the weekend sailors won't know it's there. Environmental justice - you bet. I'm tired of seeing our open space diminish and poor communities taking the environmental burden for the wealthy. Then there's the annoying parts of every project, noise, traffic, safety hazards. However if you look at this project closely, measures have been put in place to minimize all of this. Truly, I can't find a reason to fight against this project. Quite frankly I believe environmentalists should be supporting this project. I thank you for putting together and presenting all aspects of Cabrillo Port. I look forward to seeing its production and to possible lower electric bills. Sincerely, John Koenig

G268-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Roni
Last Name: Koenig
Address: 8505 Crown Prince Ct.
City: Sacramento
State: CA
Zip Code: 95624
Topic: Aesthetics, Alternatives, Other/General Comment
Comments: I was encouraged to see the drawing submitted in the original EIR was wrong and that the visual impacts of the project are minimal. I was happy to see the comments from people who play and live on the coastline wear heard.

It is a challenge in today's world to develop the perfect energy solution. It seems as though we can either go to war for our energy resources or destroy the open spaces we all treasure in the United States. I support renewable energy and believe we need more diverse energy sources, especially in California. However, we can't expect everything to be renewable, or even grossly diverse, tomorrow. We have to embrace our best options for now.

G193-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Ronald P. Koopman, Ph.D., P.E.
 Hazard Analysis Consulting
 4673 Almond Circle
 Livermore, CA. 94550
 925-443-5324
 rkoopman@comcast.net

What is commonly known as the 1977 Oxnard EIR, and officially named the 1977 LNG Safety & Site Analysis, was written for the Cities of Port Hueneme and Oxnard in 1977 and is still being used to scare people into thinking that an accident or attack on a liquefied natural gas (LNG) facility or ship could injure people 30 to 40 miles away. Modern models and experimental data do not support this conclusion and it is important that these old results not be used for public policy, decision making or to terrify the general public into believing that they are in danger.

The work of Professor Jerry Havens for the US Coast Guard (Predictability of LNG Vapor Dispersion From Catastrophic Spills Onto Water: AN ASSESSMENT, CG-M-09-77, April 1977) forms the basis of the 1977 Oxnard EIR. Havens' report reviews the methods used to predict the dispersion of flammable gases from a hypothetical worst case spill on water involving the instantaneous release of 25,000 m³ of LNG. He examines model predictions by Fay and Lewis, the US Coast Guard (CHRIS), Germeles and Drake, Feldbauer, SAI and FPC. These models predicted the following distances for the lower flammability limit, or edge of the flammable plume, in the case of a 25,000 m³ instantaneous LNG spill:

Fay and Lewis (17.4 mi), US Coast Guard, CHRIS (16.3 mi), Germeles and Drake (11.5 mi), Feldbauer (5.2 mi), SAI (~1 mi) and FPC (0.75 mi).

Fay later decided that his model should be used with different assumptions resulting in substantially longer dispersion distances of about 50 miles.

Havens' conclusions from his review of these models included:

- The FPC model used an unrealistically low vapor rate
- Extension of Feldbauer's model to large spills appeared uncertain.
- The Germeles and Drake model provided a more plausible estimate of LNG dispersion than the Fay or CHRIS models and might form the basis of a simple modeling approach for the future
- The methodology employed by SAI holds the most promise for accurate prediction of vapor dispersion from catastrophic spills on water.
- A program designed to evaluate the accuracy of the SAI model or other similar models should be a high priority.

Because the proposed Oxnard facility was to be a land based storage tank, the authors of the 1977 EIR proposed a worst case hypothetical instantaneous release of 100,000 m³. They used previous estimates giving LFL distances that ranged from 127 mi for the Fay and Lewis model to 26 mi for the USCG CHRIS model to 3 mi for the FPC and SAI models. The authors chose the Germeles-Drake model and used a series of logical indefensible arguments, without any evidence of actual calculation, to explain how the LNG vapor plume is modified by micrometeorological effects (which are unproven) and terrain effects to extend for 40 miles, from the LNG facility to the LFL edge of the

G500-1

Thank you for this information. Section 4.2.3, the Independent Risk Assessment (Appendix C1), and the Sandia National Laboratories' review of the Independent Risk Assessment (Appendix C2) contain revised information on this topic.

G500-1

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G500-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

plume, across the Oxnard plain and valleys to the east, potentially impacting 186,500 people. There is no scientifically defensible basis for drawing this conclusion.

G500-1
(cont'd)

This work was done before the scientific community knew how to model LNG plumes and used the work Havens did to demonstrate the need for better models, to produce these undefendable results. Following Havens' report, the US Coast Guard and the Department of Energy initiated a research program that both Havens and I participated in for more than 10 years. This program, and others like it in the UK and other places worldwide, resulted in much better predictive models and included many large scale well instrumented LNG tests that provided data to validate the models. From 1977-1989 I participated in and headed the program at Lawrence Livermore National Laboratory, researching the hazards of LNG and other hazardous dense gases, conducting large-scale experimental spills of LNG, and developing models of LNG behavior in the atmosphere that are still in use today.

ADD A NOTE REGARDING THE TIMING OF WHEN MODEL DEVELOPMENT WITH FIELD VERIFICATION OCCURRED (1982-1984?)

The 1977 Oxnard EIR should be relegated to history and should not be used for modern decision-making or to influence public opinion. There are three reasons for this: 1) The modeling used in 1977 was very primitive by today's standards and much in need of improvement according to Havens' analysis at the time. 2) The results from Havens' report were misused in the 1977 EIS resulting in incorrect hazard distance estimates of 40 miles for a spill from a large LNG storage tank. 3) Modern models produce hazard distances of 1 to 4 miles for the very large tank spill used in the 1977 EIS.

G500-2

I urge the public ~~and~~ the city, county, state and federal government officials charged with responsibility for public safety to put the 1977 Oxnard EIR into its proper perspective and recognize that it has no scientific validity and should not influence current decision making.

Ronald P. Koopman Ph.D., P.E.

Origin: E&E Website

Date: 12/19/2004

First Name: Brittany

Last Name: Kress

Topic: Aesthetics

Comments: I like the fact that the BHP has located this facility far out to sea, where it won't really be visible from the coast. Californians are highly protective of their coastline, and this seems to me a much less obtrusive project than another enormous oil platform.

G200-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/16/2004
First Name: Jessica
Last Name: Kuehne
Address: 2123 Grand Avenue
City: San Diego
State: CA
Zip Code: 92109
Topic: Energy and Minerals

Comments:

In the last two years California has experience rolling blackouts due to our states lack of planning. With more and more of our electricity being produced by natural gas (a clean burning fuel) it makes sense that we would approve this project. People love to talk about conservation, but few of use would go without electricity and the reality is we need a reliable source of energy for the everyday comforts of our lives.

Every time we eat out at a restaurant, the grills they use to prepare our food use natural gas. I could go on-and-on but will simply ask you to support this project. It promotes clean burning fuel that can be used in concert with alternatives such as wind and solar and I thank you for bringing this project to our area.

Thanks for registering my support for this project

G306-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

**Statewide LNG Environmental Stakeholder
Working Group**

December 8, 2004

Commandant Thomas H. Collins
U.S. Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593

USCG-2004-16877-621

William G. Schubert, Administrator
Maritime Administration
U.S. Department of Transportation
400 7th Street, SW Room
Washington, D.C. 20590

**RE: Cabrillo Port Liquefied Natural Gas Deepwater Port – Request for Suspension of
Time Limits to Gather Information Missing in Draft EIS/R**

Dear Commandant Collins and Administrator Schubert,

This letter is sent on behalf of the Statewide LNG Environmental Stakeholder Working Group, which consists of over 25 local, state, and national environmental groups. This group has formed to address the issue of the importation, regassification, and reselling of LNG via onshore or offshore LNG plants in California and Baja, California, and out of mutual concern for the character and pace of the LNG debate.

G518-1

We are writing to request a suspension of the Deepwater Port Act timeline for the Cabrillo Port Liquefied Natural Gas ("LNG") project in order to allow the agencies time to gather information missing from the Draft Environmental Impact Statement/Report ("DEIS/R") that is essential to conducting a thorough and accurate environmental review. Because the missing information is necessary for processing the Cabrillo Port application within the time limit set by the Deepwater Port Act, we request that the Commandant recommend to the Administrator of the Maritime Administration ("MARAD") that the Administrator suspend the time limit for processing the application pursuant to 33 CFR § 148.107(c).

G518-2

The groups that make this request share a common goal of ensuring full agency and public review of any LNG projects proposed to import natural gas to California. Since this is the first DEIS/R for an LNG project in California and, most importantly, the first environmental review in the world for an *offshore* LNG project, it is critical that this document contain all information essential for making an informed decision about LNG in California. Unfortunately, the draft report lacks the necessary information to ensure adequate public and agency review.

G518-1

Thank you for the information.

G518-2

All deepwater port applications fall under the authority of the Deepwater Port Act, which requires that a decision on the application be made within 330 days of the publication of the Notice of Application in the Federal Register. The Notice of Application for the Cabrillo Port Project was published in the Federal Register on January 27, 2004. Although the comment period (53 days) could not be extended at that time, a March 2006 Revised Draft EIR was recirculated under the CEQA for an additional public review period of 60 days. Section 1.4.1 contains additional information on this topic.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

The list compiled below reflects the specific areas in which the DEIS/EIR is missing critical information.

I. Description of the Proposed Action

The DEIS/R fails to disclose all phases of the proposed action, and thus fails to evaluate all of the action's environmental consequences. In particular, the DEIS/R does not evaluate the production of gas and shipment of LNG in international waters. NEPA regulations require that the DEIS/R consider all phases of the action, including connected actions that are interdependent parts of a larger action and depend on the larger action for their justification. 40 CFR § 1508.25(a)(1)(iii).

G518-3

The description of the proposed action lacks important details regarding the action's effect on biological resources, including the actual alignment of the onshore gas pipeline and a disclosure of which of the identified ACOE wetlands (and the non-jurisdictional state wetlands the DEIS/R does not address) would be trenched and which would be drilled under (HDD). The lack of clear description also affects the DEIS/R's ability to evaluate and mitigate impacts to oak trees (p.4.8-42), other vegetation, and wetlands.

G518-4

II. Alternatives

The DEIS/R fails to include any alternative to the proposed action other than the No Project Alternative that reduces impacts beyond those associated with the proposed action. The DEIS/R must evaluate a reasonable range of alternatives to the proposed action, including an environmentally preferable alternative. 40 CFR § 1505.2(b).

G518-5

III. Impact Analysis

A. Project Life Cycle

The DEIS/R fails to include an analysis of the entire life cycle of the proposed action. The DEIS/EIR fails to analyze impacts associated with extraction of the gas, production, processing, liquefaction, and tankering the LNG to the port.

G518-5.1

B. Environmental Setting/Baseline

The DEIS/R does not adequately describe the existing environmental setting or establish an environmental baseline. As discussed below in greater detail, sensitive species surveys and mapping were not undertaken and have been deferred to a later time. Thus, the DEIS/R fails to include essential information for evaluating the proposed action's environmental effects.

G518-6

C. Safety

Consequence Modeling: The consequence modeling used to calculate the exclusion zones for the various LNG spill scenarios in the DEIS/R is fatally flawed. Without justification, the DEIS/R uses a vapor dispersion and thermal radiation consequence modeling program that is

G518-7

G518-3

Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, requires Federal agencies to consider the potential environmental effects of major Federal actions that could significantly affect the global commons outside the jurisdiction of any nation. Executive Order 12114 is not applicable to the extraction and development of natural gas in foreign countries.

An evaluation of the Project's environmental effects abroad must also be viewed within the context of section 15040 of the State CEQA Guidelines, which specifically defines and correspondingly limits the authority provided to State and local agencies under the CEQA.

The Applicant has stated that the source of the natural gas for this Project would be either Australia, Malaysia, or Indonesia. As these countries are sovereign nations, the Applicant would be required to comply with those countries' applicable environmental laws and regulations pertaining to the extraction and development of natural gas fields as well as those pertaining to the liquefaction and transfer of LNG to LNG carriers. Consideration of the Applicant's compliance with a foreign nation's applicable laws and regulations is beyond the scope of this EIS/EIR.

The Applicant has indicated that the Scarborough natural gas field in the state of Western Australia could be a potential source of natural gas for the Project. In May 2005, the Honourable Ian Macfarlane, the Australian Federal Minister for Industry, Tourism and Resources, stated, "Development of the Scarborough Field and related support facilities must be carried out in accordance with applicable laws and regulations of both the Australian Government (federal) and the State Government in Western Australia. Any activities will be subject to assessment and approvals under the applicable environmental legislative regimes. These include, among others, the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, governing matters of national environmental significance, and, under State legislation, the Western Australian Environmental Protection Act 1986. The objectives of the Commonwealth's environmental regulatory regimes are to provide for the protection of the environment and ensure that any petroleum activity is carried out in a way that is consistent with the principles of ecologically sustainable development." (Appendix L contains a copy of this letter.)

Section 1.3 has been revised to include information on Indonesian and Malaysian environmental requirements that would regulate impacts related to producing and exporting natural gas. All three

countries have existing LNG liquefaction facilities.

G518-4

Terrestrial biological resources were evaluated within a pipeline corridor that would include both the construction and permanent rights-of-way. Even though the precise alignment of the pipeline within the corridor would not be determined until final engineering design, the impacts of any potential pipeline alignments within the corridor have been evaluated.

As stated in Section 4.8.1, wetlands within the Coastal Plain were delineated using the CCC and CDFG wetland definition. Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys to determine whether any oak trees would need to be removed during construction. The results of this survey is included in Section 4.8 of the Final EIS/EIR.

G518-5

Sections 1.2, 3.1, 3.2, 3.3.1, 3.3.2, 3.3.3, 4.10, and 4.10.1.3 contain information on the range of alternatives evaluated. Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As

stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition, the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

G518-5.1

See the response to Comment G518-3.

G518-6

This document discusses the environmental setting, pursuant to section 15125(a), State CEQA Guidelines, within each resource issue section. In addition, the Applicant has completed surveys in accordance with California Department of Fish and Game protocol. Where surveys were not completed, the EIS/EIR assumes the presence of any potentially affected species, evaluates potential impacts, and provides appropriate mitigation to avoid or sufficiently reduce potential impacts.

G518-7

The Project is regulated by the USCG and MARAD under the authority of the Deepwater Port Act. FERC's regulations are prescriptive and standardized to address the general siting of onshore LNG terminals. In contrast, due to various different designs of deepwater ports, the USCG conducts site-specific independent risk and consequence analyses using the most recent guidance and modeling techniques. The guidance used for Cabrillo Port is Sandia National Laboratories' "Guidance on Risk Analysis and

Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water." This report recommends a framework for analyses of large LNG spills onto water. It was prepared for the U.S. Department of Energy (DOE), and an external peer review panel evaluated the analyses, conclusions, and recommendations presented.

Sections 2.2.4, 4.3.1.4, and 4.3.4 address the size of the safety zone, how it would be established, and the potential impacts on marine traffic. The FSRU would be able to rotate 360° around the mooring turret. The safety zone would extend 500 m from the circle formed by the FSRU's stern, the outer edge of the facility, rotating around the mooring turret. See Figure 4.3-4 for an illustration of the potential safety zone and area to be avoided. The safety zone could not be made any larger because its size is governed by international law.

inappropriate for LNG. The DEIS/R should have utilized a modeling system that was designed for LNG, such as the methodologies designed and approved by the Federal Energy Regulatory Commission. This omission corrupts the entire safety analysis. The missing modeling information is essential for evaluating the proposed action's effects on human health and safety.

G518-7
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D. Shipping

The transportation of LNG is so ill-defined in the DEIS/R as to leave no basis for rational consideration of this issue so critical to the safety of the proposed action.

- There is no information in the DEIS/R regarding the ship designs, options or contracts.
- The size of the ships, which will determine the quantity of gas to be shipped, and the number of shipments per week is indeterminate. The number of shipments is stated as "[t]wo to three per week" (p. 2-2, ln. 25-26.). The volume of gas ranges from "26.4 million gallons to 58.1 million gallons of LNG" (p. 4.2-20, ln. 3) (other references in the DEIS/R to volumes that are an order of magnitude smaller appear to be the result of a conversion error).
- No consideration has been given to a recognized hazard in insulation in the ship's hull, which has been identified as highly flammable.
- "In addition, the relatively large number of LNG carriers that could call at the FSRU (165 with an additional 85 on order)..." leaves the reader in doubt as to whether these are ships belonging to and ordered by the applicant, or whether the port will accept any and all ships regardless of flag of registry, an exceedingly lax and dangerous practice.

G518-8

G518-9

G518-10

G518-11

E. Air Quality

- The air pollutant emissions for mobile and stationary sources are significant and will require the purchase of emission credits. The DEIS/R fails to examine the feasibility of obtaining these credits.
- The DEIS/R fails to consider air pollution from secondary sources such as idling or detours of other vessels due to the exclusion zones and also during port construction.

G518-12

G518-13

F. Terrestrial Biological Resources

The DEIS/R does not evaluate the proposed action's effects on wetlands as defined by the state (California Coastal Commission and the Department of Fish & Game) and the US Fish and Wildlife Service. Only US Army Corps of Engineers (ACOE) wetlands are considered.

G518-14

Some biological impact analyses, which should be integral components of the DEIS/R, are deferred because baseline conditions have not been recorded, because required surveys have not been performed, and/or because the description of the proposed action is vague. For instance, the DEIS/R does not include specific or meaningful analyses of impacts to trees (p. 4.8-42) or

G518-15

G518-8

Section 2.1 contains information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU. The Cabrillo Port must be designed in accordance with applicable standards, and the U.S. Coast Guard has final approval. Section 4.2.4 contains information on Federal and State agency jurisdiction and cooperation. The Deepwater Port Act specifies regulations that all deepwater ports must meet; Section 4.2.7.3 contains information on design and safety standards for the deepwater port. Section 4.2.8.2 contains information on pipeline safety and inspections. Impact EJ-1 in Section 4.19.4 addresses additional pipeline design requirements in areas of low-income and minority communities. The EIS/EIR's analyses have been developed with consideration of these factors and regulations and in full conformance with the requirements of NEPA and the CEQA.

G518-9

The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Section 1.4.2 for a summary of Project changes. The Applicant has reduced the number of LNG carriers that would call on the FSRU annually from a maximum of 130 to a maximum of 99. As a result, the number of LNG carriers docking at the FSRU weekly would be reduced from an average of two to three per week to one to two per week. Since a crew vessel would meet each LNG carrier, the number of crew vessel trips to and from Port Hueneme would also change. See Section 4.3 for more information on this topic. Section 2.2.2.3 contains information on the anticipated capacity of the LNG carriers.

G518-10

Mitigation Measure PS-1e in Section 4.2.7.6 contains information on the flammability of the insulation in the FSRU hull. In addition, the marine safety and security requirements cited in Appendix C3, under the topic of secondary containment and thermal management, identify International Gas Carrier (IGC) Code requirements that concern insulation.

G518-11

Section 4.2.7.3 discusses this topic. See response to Comment G518-9.

G518-12

The USEPA has made a preliminary determination, on which the lead agencies must rely, that the FSRU should be permitted in the same manner as sources on the Channel Islands that are part of Ventura County. Section 4.6.2 contains an updated discussion of

relevant regulatory requirements.

G518-13

During construction, Notices to Mariners and Securite Broadcasts would notify all mariners of the presence of construction, such that mariners can plan accordingly to avoid the areas where construction would be occurring. Therefore, idling of vessels is not anticipated.

While the FSRU would be operating, a safety zone would be marked on navigation charts. Therefore, mariners could plan to avoid the safety zone and not be forced to idle. Since the safety zone is 1.7 nautical miles from the traffic separation scheme, commercial vessels would not be affected by the presence of the safety zone and therefore, their traffic patterns would not change.

G518-14

As stated in Section 4.8.1, wetlands within the coastal zone were delineated using California Coastal Commission and California Department of Fish and Game wetland definitions.

G518-15

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

riparian habitat (p. 4.8-43) because not enough is known about the proposed action or the baseline environment to determine even roughly how many trees, including native specimen oak trees, and acres of riparian habitat would be affected.

The DEIS/R further acknowledges (p. 4.8-36) that because a comprehensive botanical survey has not been conducted, "it is not known whether rare or special status plants along the proposed pipeline route are present." This survey information must be provided in the DEIS/R to enable a meaningful quantification and consideration of the proposed action's impacts, to allow design of appropriate mitigation measures and to allow comparison of alternatives. In addition, the DEIS/R defers the analysis of wetland impacts to the ACOE permitting process without disclosing the scope of the proposed action's wetland impacts.

G. Marine Biological Resources

The DEIS/R does not provide sufficient information regarding baseline environmental conditions, provides no studies of benthic infauna or epifauna that would be impacted by the proposed action, and includes no monitoring program to evaluate impacts on the marine environment and the effectiveness of mitigation measures. The DEIS/R states without support from any survey data that large numbers of birds and fish are not present at the FSRU site.

The DEIS/R does not adequately describe the lighting conditions of the proposed action or adequately evaluate the effects of this lighting on marine organisms.

Without any assessment or survey of larval abundance in the immediate area of the FSRU, the DEIS/R dismisses entrainment losses due to exchange of ballast water as insignificant. This is not appropriate given the relatively large volume of water that is to be exchanged daily (~14.5 MGD). The DEIS/R must provide sufficient survey data and information regarding ballast water intake velocities to allow consideration of potential entrainment impacts.

H. Land Use and Policy Consistency

The DEIS/R lists but does not analyze the proposed action's consistency with specific plans, policies and regulations. Instead, the report expressly defers analysis of the proposed action's consistency with the California Coastal Act. As a result, the DEIS/R fails to consider or identify land use impacts related to conflicts with plans and policies, even though this is listed as a threshold for triggering a significant impact.

IV. Mitigation Measures

The DEIS/R defers the formulation of mitigation measures for specific impact until after the record of decision, including mitigation measures for biological impacts and air quality impacts. For example, the Riparian Avoidance and Restoration provides no standards for determining when avoidance is feasible. Specific wetland mitigation measures are not provided. Additionally, alternative crossing methods for different waterways have not been determined and are being deferred to field decisions by SCE's construction engineers (p. 4.8-44) rather than

G518-15
cont'd

G518-16

G518-17

G518-18

G518-19

G518-20

G518-21

G518-22

G518-16

Section 4.7.1.1 discusses this topic and Section 4.7.6 references supporting studies.

G518-17

See response to Comment G518-16.

G518-18

Sections 4.4.1.1 and 4.7.4 (under Impact BioMar-3) discuss this topic.

G518-19

Appendix H1 and Section 4.7.1.3 discuss this topic. Site-specific data are not available. After consultation with NOAA and marine biology experts, the use of the CalCOFI database was determined to be appropriate for the purposes of the analyses contained in this EIS/EIR. CalCOFI surveys have been consistently collected over a period of time and are the best scientific data currently available.

G518-20

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. A closed loop tempered water cooling system, which recirculates water, would be used instead of a seawater cooling system, except during annual maintenance (four days for the closed loop tempered water cooling system, and four days for the Moss tanks when the inert gas generator [IGG] would be operating).

Because seawater would only be used as non-contact cooling water during these maintenance activities, the volume of seawater used would be greatly reduced. Seawater would also be used for ballast. Section 2.2.2.4 describes the proposed seawater uptakes and uses for the FSRU. Appendix D5 describes seawater intakes and discharges during Project operations, and Appendix D6 describes the closed loop water system and provides thermal plume modeling analysis of discharges from the backup seawater cooling system.

The ichthyoplankton analysis (Appendix H1 and within Section 4.7) has been revised to reflect current intake volumes. Tables 4.7-8a and 4.7-8b in Section 4.7 provide a summary of the seawater uptakes required for operation of the FSRU and LNG carriers that were evaluated in the ichthyoplankton impact analysis.

G518-21

Section 4.13.2.2 discusses the Project's consistency with local and

regional plans.

G518-22

The Applicant has completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Section 4.8 contains the results of these surveys. Where surveys were not completed, Section 4.8.4 of the EIS/EIR assumes the presence of any potentially affected species, evaluates potential impacts, and identifies mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife.

Mitigation measures for each significant impact are stipulated throughout the EIS/EIR and those that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are performance standards by which such plans would be evaluated when it is practical to prepare them. Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)). NEPA does not require performance measures for proposed mitigation but only requires mitigation measures to be identified (40 CFR 1502.14(f) and 1502.16(h)). The various Federal and State permits (e.g., CWA, Section 404, Streambed Alteration Agreement) required for the Project may contain additional conditions as a component of that permit. In such cases the issuing agency would be responsible for ensuring compliance. Permits may not be granted until the NEPA and CEQA processes have been completed and the lead agencies have acted on the Project, in part because agencies rely on the analysis included in the EIS/EIR.

being described in the DEIS/R so the public can comment meaningfully about the proposed action, its impacts, and proposed mitigation measures and alternatives.

As a result of this missing information, the decisionmakers and the public do not have sufficient information to evaluate whether the proposed action's environmental effects will be avoided or minimized.

In conclusion, as specifically identified above, there are several areas in the DEIS/R where there is a serious paucity of information essential to completing a thorough environmental review of the Cabrillo Port LNG action. It is on this basis that we seek a suspension of time under the Deepwater Port Act. Please direct your response to Linda Krop, Chief Counsel of the Environmental Defense Center, 906 Garden Street, Santa Barbara, CA, 93101 (805-963-1622).

Sincerely,

Linda Krop, Chief Counsel
Environmental Defense Center

Joel Reynolds, Senior Attorney
Natural Resources Defense Council

Susan Jordan, Executive Director
California Coastal Protection Network

Carl Zichella, Regional Staff Director
Sierra Club

Bill Powers, Director
Border Power Plant Working Group

Mark Rauscher, Environmental Director
Surfrider Foundation

Craig Shuman, Staff Scientist
Heal the Bay

Tracy J. Egoscue, Executive Director
Santa Monica Baykeeper

Damon Wing, Programs Director
Ventura Coastkeeper

Peter Galvin, Conservation Director
Center for Biological Diversity

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All deepwater port applications fall under the authority of the Deepwater Port Act, which requires that a decision on the application be made within 330 days of the publication of the Notice of Application in the Federal Register. The Notice of Application for the Cabrillo Port Project was published in the Federal Register on January 27, 2004. Although the comment period (53 days) could not be extended at that time, a March 2006 Revised Draft EIR was recirculated under the CEQA for an additional public review period of 60 days. Section 1.4.1 contains additional information on this topic.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

Ileene Anderson, S. California Regional Botanist
California Native Plant Society

Greg Helms, Program Manager
Ocean Conservancy

Rory Cox
Pacific Environment

Jonathan Parfrey
Physicians for Social Responsibility-LA

Linda Sheehan, Executive Director
California Coastkeeper Alliance

Serge Dedina
Wildcoast, Executive Director
California Baja Coastkeeper, Project Director

Bruce Reznik, Executive Director
San Diego Baykeeper

Chris Pesenti, Co-Director
Pro Peninsula

Don May
California Earthcorps

Ozzie Silna
Malibu Coastal Land Conservancy

Gordon LeBedz
Surfrider Foundation, Long Beach Chapter

Bry Myown, Spokesperson
Long Beach Citizens for Utility Reform

Shirley Godwin, Chair
Saviers Road Design Team

Tim and Hayden Riley
TimRileyLaw.com

Kraig Hill
Malibu, CA

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Representative Lois Capps
Representative Elton Gallegly
Norman Y. Mineta, Secretary of Transportation
Tom Ridge, Secretary of Homeland Security
Governor Arnold Schwarzenegger
Lt. Governor Cruz Bustamante
State Controller Steve Westly
Senate Pro Tem Don Perata
Assembly Speaker Fabian Nunez
Senator Tom McClintock
Senator Sheila Kuehl
Assemblymember Pedro Nava
Assemblymember Fran Pavley
Tom Campbell, Director of Finance
Cabinet Secretary Terry Tamminen, Office of the Governor
Secretary Mike Chrisman, Resources Agency
Joe Desmond, Deputy Secretary of Energy, Resources Agency
Drew Bohan, Assistant Secretary for Policy, Cal EPA
Shannon Eddy, Renewable Energy and Energy Efficiency Advisor, CPUC
Mark Prescott, US Coast Guard
Ken Kusano, US Coast Guard
Cy Oggins, California State Lands Commission
Alison Dettmer, California Coastal Commission